SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
ADMINISTRATIVE ORDER 15-19

Procedures for Adjudicating Applications to Amend Birth Certificates
(Supplemental to Administrative Order 11-13)

WHEREAS, the Superior Court has jurisdiction to adjudicate Applications to Amend Birth Certificates pursuant to D.C. Code §§ 7-217 and 11-921 (*see also* Superior Court Civil Rule 205); and

WHEREAS, under certain circumstances, issues of paternity that are most appropriately handled by a judge of the Family Court of the Superior Court, pursuant to the "One Family, One Judge" requirement of the District of Columbia Family Court Act of 2001, D.C. Code §§ 11-1104 *et seq*. ("'One Family, One Judge' requirement of the Family Court Act"), are raised when an Application to Amend Birth Certificate is filed with the Court; and

WHEREAS, new procedures should be implemented to further the goals of the "One Family, One Judge" requirement of the Family Court Act when the Court adjudicates Applications to Amend Birth Certificates;

NOW, THEREFORE, it is by the Court, exercising the discretion recognized by Superior Court Civil Rules 12-I(b)(i) and 40-I(a),

ORDERED, that an applicant who wishes to (a) change the name of a child; (b) add a parent to a child's birth certificate; or (c) change the name of a parent on a birth certificate of a person who is under the age of 21 years (a "minor") must file the Application to Amend Birth Certificate ("Application") with the Family Court Central Intake Center ("Central Intake"), and the following procedures govern such Applications:

1) Where there is an open Family Court case, the Application must be assigned to that same judge pursuant to the "One Family, One Judge" requirement of the Family Court Act; or

2) Where there is an ongoing child support order, the Application must either be placed on the child support calendar for resolution or be certified by the Presiding Judge of Family Court to another Family Court judge for resolution; or

3) Where there is an open Civil Protection Order ("CPO") involving a minor, Central Intake must notify the Presiding Judge of the Domestic Violence Unit of the existence of the open CPO and consult with that judge to determine whether the Family Court will handle the Application or should certify the Application to the Domestic Violence Unit; and

    a. If the Application is certified to the Domestic Violence Unit, that Unit must update the record in the FSP case, enter a final order on the Application, and close the case; or

b. If the Application is not certified to the Domestic Violence Unit, the Application must be assigned for resolution to a Family Court calendar as designated by the Presiding Judge of the Family Court; or

4) Where there is a <u>closed or no CPO involving a minor</u>, <u>no existing child support order</u>, <u>and</u> <u>no open Family Court case</u>, the Application must be assigned for resolution to a Family Court calendar as designated by the Presiding Judge of the Family Court; it is further

ORDERED, that since issues of paternity are raised when an applicant seeks to change the identity of the father listed in a birth certificate, the judge to whom the Application is assigned may in those circumstances order the applicant to supplement the Application by filing a Petition to Disestablish Paternity with Central Intake; it is further

ORDERED, that any <u>an applicant who is 21 years of age or older (an "adult") who</u> <u>wishes to change or amend that adult applicant's own name</u> as that name appears on the adult applicant's own birth certificate must take the Application to Judge-in-Chambers who must check to see if that adult applicant is a party to an open Family Court case or the subject of an ongoing child support order, and the following procedures govern such Applications:

1) Where there is an <u>open Family Court case or an ongoing child support order</u>, the Application must be filed in Central Intake, and
   a. Where there is an open Family Court case, the Application must be assigned to that same judge pursuant to the "One Family, One Judge" requirement of the Family Court Act; or
   b. Where there is an ongoing child support order, the Application must either be placed on the child support calendar for resolution or be certified by the Presiding Judge of the Family Court to another Family Court judge for resolution; or

2) Where there is an <u>open CPO involving an adult</u>, the Application must be filed with the Civil Actions Branch. The judge presiding in Judge-in-Chambers must notify the Presiding Judge of the Domestic Violence Unit of the existence of the open CPO and consult with that judge to determine whether the judge presiding in Judge-in-Chambers will handle the Application or should certify the Application to the Domestic Violence Unit. If the Application is certified to the Domestic Violence Unit, that Unit must update the record in the Civil Actions case, enter a final order on the Application, and close the case; or

3) Where there is <u>no open Family Court case</u>, <u>no ongoing child support order</u>, <u>and</u> <u>an</u> <u>expired or no CPO involving an adult</u>, the Application must be filed in the Civil Actions Branch, which will then forward it to Judge-in-Chambers for resolution; it is further

ORDERED, that an applicant seeking to change the name on a birth certificate of <u>an</u> <u>adult individual other than the applicant</u>, must first report to Judge-in-Chambers. Judge-in-

Chambers must research to determine if there is a family court or domestic violence case involving the parties to that Application, and based on that research, must direct the parties to file their Application in accordance with the following procedures:

1) If there is an <u>open Family Court case or an ongoing child support order</u>, the applicant must file the Application in Central Intake and it must be assigned to that Family Court judge pursuant to the "One Family, One Judge" requirement of the Family Court Act; or

2) Where there is an <u>open CPO involving an adult</u>, the Application must be filed with the Civil Actions Branch. The judge presiding in Judge-in-Chambers must notify the Presiding Judge of the Domestic Violence Unit of the existence of the open CPO and consult with that judge to determine whether the judge presiding in Judge-in-Chambers will handle the Application or should certify the Application to the Domestic Violence Unit. If the Application is certified to the Domestic Violence Unit, that Unit must update the record in the Civil Actions case, enter a final order on the Application, and close the case; or

3) If there is <u>no open Family Court case</u>, <u>no ongoing child support order</u>, <u>and</u> <u>an expired or no CPO involving an adult</u>, the applicant must file that Application with the Civil Actions Branch, which will then forward it to Judge-in-Chambers for resolution; it is further

ORDERED, that if an individual seeks to change either the birth certificate or name of a minor <u>and</u> also seeks to change the name of an adult, the Family Court must address both issues in the same case; it is further

ORDERED, that, for all Applications referenced in this Administrative Order, Judge-in-Chambers must issue an appropriate order of publication on the date that the Application is filed.

      SO ORDERED.

BY THE COURT

DATE: October 5, 2015   <u>   /s/   </u>
                                               Lee F. Satterfield
                                               Chief Judge

Copies to:

Judicial Officers
Executive Officer
Clerk of the Court
Division Directors
Judge-in-Chambers
Library
Daily Washington Law Reporter